

## PARONICH LAW, P.C.

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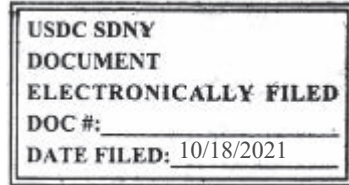
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### Via ECF

October 13, 2021

Hon. Alison J. Nathan  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007



Re: *Bruce Katz, M.D., P.C. v. Carolina Liquid Chemistries Corporation*, Civil Action  
No. 21-cv-6969, Joint Letter

Judge Nathan:

Pursuant to this Court's September 16, 2021 Order (ECF No. 10), the parties provide the following information:

**(1) A brief statement of the nature of the action and the principal defenses thereto;**

This is a putative class action under the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"), arising from an allegation that Carolina Liquid sent fax advertisements without recipients' consent. Carolina Liquid sent facsimiles offering promotions, in the instance of the Plaintiff's contact a \$500 gift card, to obtain contact information for fax recipients' lab managers. The Plaintiff has alleged that Carolina Liquid would then use that contact information to market its laboratory products and that the faxes are a pretext for Carolina Liquid's efforts to market its laboratory products to fax recipients' lab managers. Through this action, Plaintiff, a medical practice that received Defendant's pretextual fax advertisement, seeks to represent the following putative class:

All persons and entities to whom: (a) Carolina Liquid and/or a third party acting on Defendant's behalf sent one or more faxes (b) for the purposes of obtaining contact information in order to send marketing materials to them (c) at any time in the period that begins four years before the date of filing this complaint and ends at the date of trial.

The Defendant submits that the Plaintiff has failed to state a claim upon which relief may be granted. This defense includes, but is not limited to, the fact that the TCPA prohibits unsolicited advertisements and the facsimile in question is not an advertisement nor a pretext for an advertisement.

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**(2) A brief explanation of why jurisdiction and venue lie in this Court;**

Jurisdiction is proper under 28 U.S.C. § 1331 as Plaintiff alleges violations of a federal statute for which there is federal question jurisdiction. Venue is proper in pursuant to 28 U.S.C. § 1391(b) because Defendant's conduct against Plaintiff was directed to this District.

**(3) A brief description of all outstanding motions and/or all outstanding requests to file motions;**

Defendant Carolina Liquid Chemistries will file a motion to dismiss this action on or before the current deadline to file responsive pleadings.

**(4) A brief description of any discovery that has already taken place, and that which will be necessary for the parties to engage in meaningful settlement negotiations;**

Following the 26(f) conference, the Plaintiff has served discovery that is required to file its class certification motion. This is the discovery that the Plaintiff will require a response to in order to engage in settlement discussions.

**(5) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;**

In addition to during the 26(f) conference, counsel for the parties had prior settlement discussions on September 9, 2021.

**(6) The estimated length of trial;**

If this matter is certified as a class action, the parties believe it will take four days to bring to trial. If it is not, then the parties believe it will take two days.

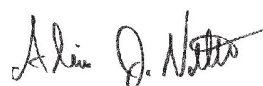
**(7) Any other information that the parties believe may assist this Court in resolving the action;**

None.

**(8) The parties should advise the Court if they can do without a conference altogether. If so, the Court may enter a case management plan and scheduling order and the parties need not appear.**

The parties do not believe a scheduling conference is necessary.

So Ordered



10/18/2021

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Please contact our office if there are any questions.

Sincerely,

*/s/ Anthony I. Paronich*

Anthony I. Paronich